

**HELPFUL INFORMATION**

**ABOUT**

**LOUISIANA EMERGENCY PROCUREMENT**



**Developed June 2006**

# **LOUISIANA EMERGENCY PROCUREMENT**

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## **Helpful Information About Louisiana Emergency Procurement**

This information is available on our website homepage at <http://www.doa.louisiana.gov/osp>. If time permits when there is an anticipated catastrophe (i.e., hurricane, tornado), we suggest that this information be printed prior to the occurrence. Every effort will be made to keep the information current. Hyperlinks are throughout this document and it is suggested that each be linked and printed.

### **FEMA Reimbursement Information**

If FEMA will be involved in reimbursement of costs, the following may apply:

- FEMA maintains a list of maximum allowable costs for reimbursement. Information is available at <http://www.fema.gov/government/grant/pa/eqrates.shtm>. FEMA restrictions will apply for reimbursement eligibility.
- FEMA recognizes other cooperative agreements between Federal, State and Local governments. Preferences should be given to local contractors where practicable.
- Photos may help support reimbursement applications.
- FEMA normally requires that some type of competition take place, and that prices are fair and reasonable.
- FEMA considers rental over purchase of large equipment to satisfy emergency needs. Note: The Office of State Purchasing currently maintains several large equipment contracts (i.e., Industrial Limited, or Construction type equipment, such as excavators, dozers, forklifts, etc.); however, these contracts are for purchase only.

Contact Phone Number: 1-800-621-FEMA (1-800-621-3362); Website: <http://www.fema.gov>

### **Louisiana Legislative Auditor Disaster Guide**

The Louisiana Legislative Auditor's website contains helpful disaster information that may be of interest to you. Their website is <http://www.la.state.la.us/prepguide/disasterguide.htm>. This site includes information relating to FEMA requirements for contracts and reimbursements and Public Assistance Information.

*Price gouging is prohibited during a State of Emergency and penalties will be imposed in accordance with Louisiana laws.*

## **Office of State Purchasing (OSP)**

Director: Denise Lea

Main Office Number: (225) 342-8062

Website: <http://www.doa.louisiana.gov/osp>

### **Two types of emergencies**

- Usual Emergencies (brought about during the normal course of business); and
- Catastrophic Emergencies (where the Governor declares a State of Emergency).

### **Usual Emergencies**

These types of emergencies are to be handled in accordance with the statutes and rules and regulations. State agencies follow R.S. 39:1598 and L.A.C. 34:1101-1111.

**Conditions for use** – The Chief Procurement Officer, or his designee above the level of procurement officer, may make, or authorize others to make, emergency procurements when there exists an imminent threat to the public health, welfare, safety, or public property under emergency conditions as defined in accordance with regulations.

**Written quotations** – Every effort shall be made to obtain quotations from three or more vendors when supplies, services, or major repairs are to be purchased on an emergency basis, except for standard equipment parts for which prices are established. Immediate purchasing shall be discouraged as much as is practicable. When supplies, services, or major repairs are urgently required, and time does not permit the obtaining of written quotations, the procurement officer may obtain quotations by telephone or otherwise, but such quotations shall be made on the relative purchase requisitions. So far as practicable, quotations shall be secured from institutions of the state as provided by law. Any offer accepted shall be confirmed in writing.

**Determination required** – The Chief Procurement Officer shall make a written determination of the basis of the emergency that includes the facts and circumstances leading to the conclusion that such procurement was necessary, as well as a written determination detailing the steps taken prior to selecting a particular contractor and the basis for the final selection. The written determination shall be included in the contract file either prior to contracting, or as soon thereafter as practicable.

**Scope of Emergency Procurement** – Emergency procurement shall be limited to only those supplies, services, or major repair items necessary to meet the emergency (i.e., don't purchase a year's supply of goods when the emergency only requires 2 months' of goods).

**Record** – A record of emergency procurement shall be maintained that lists:

- Each contractor's name and phone number;
- The amount and type of each contract;
- A listing of the supplies, services, or major repairs procured under each contract; and
- The identification number of each contract file.

The record of emergency purchases for the previous fiscal year shall be submitted to the legislature at the beginning of the legislative session.

State Agency procurements that exceed an agency's delegated authority should receive prior approval from the Office of State Purchasing.

### **Catastrophic Emergencies**

These kinds of emergencies may be handled differently only when the Governor declares a State of Emergency and issues an Executive Order outlining procedures to be followed. The following information should help you make decisions to satisfy your immediate needs. Keep in mind that although strict compliance with the Procurement Code may be waived by the governor, civil servants should be prudent spenders of the taxpayer's money.

Purchases made for such emergencies should be well documented; to include receipts, invoices, purchase orders, rental agreements, etc., which will serve as a basis for settlement of claims and will support the State's request for supplemental federal assistance.

### **Contract Information**

- State Purchasing has statewide contracts that should provide the best pricing, and should be utilized before seeking other methods if they can satisfy your delivery requirements. Those contracts that were utilized after the last hurricane disaster period, or have the potential to satisfy emergency needs, have been identified and are available in a single location at: [http://www.doa.louisiana.gov/osp/contracts/emergency/emergency\\_contracts.xls](http://www.doa.louisiana.gov/osp/contracts/emergency/emergency_contracts.xls) with links to more detailed contract information. Many contractors have provided additional information that should assist you in determining how quickly they can provide products and services. This information includes:
  - Contractor's name and emergency primary/alternate phone numbers/email addresses (These emergency contact numbers provided are, in some cases, owner's and/or employees' personal cell and home phone numbers, which are to be used only during an emergency situation, outside of normal business hours.)
  - The contractor's normal hours of operation
  - Whether contractor can provide products and services outside of their normal hours of operation, and if their contract prices will apply
  - Information on alternate shipping locations, if they exist, to provide product if their facility is rendered inoperable
  - Location of facility from which supplies/services will be provided
  - Any special requirements by contractor
  - Contingency Contract information, which will be activated prior to an anticipated disaster (i.e., hurricane), but cannot be utilized until the Governor declares a State of Emergency. These Contingency Contracts will be activated for you to view and print; however, the ordering status will remain inactive until the Declaration of Emergency has been issued. No orders are to be issued against these contracts until the ordering status has been activated. These contracts have been created for just-in-time deliveries for some commodities that may be needed immediately after a Declaration of Emergency has been issued, and are identified on our contract list. Delivery should be

quicker on the contingency contracts (usually 8 hours or less). If time permits, however, and your needs are known in advance, the regular state contracts will normally provide better pricing. Some of the contingency contracts have primary and secondary suppliers, or multiple suppliers, to satisfy anticipated quantity needs. These contracts can be found at:

[http://www.doa.louisiana.gov/osp/contracts/emergency/emergency\\_contracts.xls](http://www.doa.louisiana.gov/osp/contracts/emergency/emergency_contracts.xls)

- Many items have been added to existing contracts (i.e., hand sanitizers), and new contracts have been created for products to satisfy emergency needs.
- If none of the existing contracts satisfy your needs, you should attempt to obtain telephone or fax bids depending on your capabilities at the time. Maintain files for each procurement (single or multiple items) and document your efforts. Example: Obtained telephone or fax bid from Company A, Company B, and Company C (which are all bona fide providers of Product or Service X). Awarded to the lowest bidder or state reason for how the selection was made. This type of file documentation is important when applying for FEMA reimbursement.

Staff will be available at the Office of State Purchasing to assist you with your procurement needs. The phone number is (225) 342-8062.

### **Contract Supplier Information**

Contract suppliers may be in area(s) impacted by a disaster. When this happens, State Purchasing will attempt to contact each contractor for alternate suppliers, distributors, telephone numbers, contact names, and relevant information. This information will be maintained in a data base and sent to all agencies periodically via email. If this information is of interest to you, and you do not have email access at the time, please contact the Help Desk at OSP: (225) 219-4692 to receive a hard copy of the document.

### **Steps to take prior to an emergency**

- Pre-buy supplies, medicines, materials, batteries, generators and equipment believed to be needed to sustain your program of operation
- Have back-up paper documents for use during and after disasters when mainframe systems are unavailable (i.e., requisitions, solicitations, purchase orders and tabulations)
- Maintain lists of procurement personnel with emergency contact information, and disburse to appropriate personnel

### **P-Card Purchases**

The LaCarte Purchasing Card (P-Card) can add value to purchased goods/supplies during emergency conditions. Each cardholder is to be trained to know his agency's card limits and what purchases are authorized for payment using their P-Card account. However, under extreme situations, when larger limits and controls are needed to meet emergency circumstances, an employee should seek approval from his agency's Purchasing Card Administrator to remove Merchant Category Codes and raise dollar limits to expedite purchases. Once the emergency situation has ended, all card limits are to be reset to their original controls.

Remember that all purchases, whether using the P-Card for payment or not, shall follow the purchasing rules and regulations as declared during an emergency declaration.

Higher purchasing delegations may be granted by the Director of State Purchasing, and will be granted on a case by case basis.

### **Catering Purchases**

The Office of State Purchasing has a **Louisiana Emergency Supplier Network List** to reference for emergency food supplier and catering needs. These are only references, and your agency must follow any and all orders issued by the Governor's Office. The list of suppliers includes their company name, address, business phone and fax numbers, and their emergency contact names and numbers. NOTE: These emergency contact numbers are owner's/employee's personal cell and home phone numbers, which are to be used ONLY during an emergency situation, outside of normal business hours. The link is listed under Catering at [http://www.doa.louisiana.gov/osp/contracts/emergency/emergency\\_contracts.xls](http://www.doa.louisiana.gov/osp/contracts/emergency/emergency_contracts.xls). Or call (225) 342-6322 for more information. The list also includes vendor's servicing capabilities, areas of service and a brief menu/type of foods that are available.

### **Procurement Support Team (PST)**

Procedures for Emergency Procurements requiring Procurement Support Team review:

When an emergency is declared, Information Technology contracts in an amount of \$100,000 or greater for the procurement of information technology hardware, hardware maintenance, software, and software maintenance will still require the review and approval of the Procurement Support Team. If there is no time for a formal meeting, members shall communicate by phone, email or other means available and make recommendations and comments. Such recommendations and comments shall be confirmed in writing as early as possible. Procurement support team members participating in emergency procurement shall participate in a follow-up meeting, at which time a written evaluation of the process will be prepared.

### **Office of Contractual Review (OCR)**

The Office of Contractual Review is authorized by law to set policy governing the procurement, management, control, and disposal of professional, personal, consulting and social services contracts entered into by state agencies.

Director: Susan H. Smith

Main Office Number: (225) 342-7097

Website: <http://www.doa.louisiana.gov/ocr/ocr.htm>

### **Emergency Procurement Guidelines for Professional, Personal, Consulting and Social Services**

Emergency conditions may be present when there exists an imminent threat to the public health, welfare, safety, or public property.

**Usual emergencies** which are brought about during the normal course of business are to be handled in accordance with LAC 34:V. Subchapter B.

**Determination required-** In accordance with LAC 34:V. Subchapter B, an emergency situation must be determined in writing by the director of Contractual Review or her designee. The using agency requesting an emergency procurement of services must indicate in writing the basis of the emergency. A determination by the director of Contractual Review of the necessity of the contract will dispense with the requirement of a request for proposal for **consulting services** \$50,000 or greater and/or **social services** \$150,000 or greater.

**Scope of Emergency Procurement-** Emergency procurements of services which would otherwise require award via competitive negotiation using a Request for Proposals method of source selection shall be limited to only those services necessary to meet the emergency and/or to allow the agency time to prepare an RFP to solicit proposals for continuing services beyond the immediate emergency. Where practical, every effort should be made to obtain competitive proposals by whatever means available to ensure the most advantageous contract at fair and reasonable cost.

**Submittal of Contracts-** Agencies should submit the emergency contract and any required supporting documentation to OCR for approval as soon as possible, including copies of any records of soliciting proposals. While emergency conditions may require the agency to authorize the contractor to begin work prior to OCR approval of the contract, agencies should not make payment under any such contracts until the contract has been approved by OCR.

**Catastrophic emergencies** where the governor has declared a State of Emergency, or is likely to declare a State of Emergency in the immediate future, may be handled differently. State agencies are to follow any Executive Order regarding procurement issued by the governor. However, immediately prior to, during, and immediately after any such catastrophic event and prior to the issuance of the governor's Executive Order on procurement, the emergency declaration by the governor shall serve as the justification for the determination required by OCR rules, and state agencies are to take whatever steps are necessary to secure needed services to protect the state's interest. State agencies should at all times be good stewards of the taxpayers' money and negotiate contracts at the most fair and reasonable cost to the state, seeking competitive proposals, wherever practical.

**Contracts-** OCR has available on its website sample contracts which can be used in the event of an emergency where time does not permit an extended contract negotiation. It is advisable that agencies record any contractual arrangement for services in writing to avoid any future conflicts. It is the agencies' responsibility to include any required federal clauses on any contracts funded with federal funds.

**Contract Submittal-** Agencies should follow instructions in the governor's executive order regarding submittal to OCR of any contracts awarded during a State of Emergency.



**Record-** Procurement of any professional, personal, consulting or social services under a catastrophic emergency should be well-documented, especially any attempts to solicit proposals, the methods used to determine fair and reasonable compensation, etc.

It is the agencies' responsibility to familiarize themselves with federal requirements, including, but not limited to, FEMA requirements, in order to support the State's request for supplemental federal assistance. Detailed records must be maintained for future audit purposes by state and/or federal auditors.

**Available Statewide IT Contract-** The State, through the Office of Information Technology, has available the CSSA contract which lists approved IT contractors to provide IT services and support. The State has also negotiated favorable terms and conditions in a statewide contract format available for use. Where practical, agencies should take advantage of this contract to satisfy their immediate IT needs by contacting the CSSA vendors to solicit proposals.

Information on the CSSA contract is available on OIT's website at:

[http://www.doa.louisiana.gov/oit/procurement/pro\\_cssa.htm](http://www.doa.louisiana.gov/oit/procurement/pro_cssa.htm)

### **Louisiana Property Assistance Agency (LPAA)**

The **LPAA** manages the state's inventory of surplus assets. Examples of surplus property that may be immediately available in the Baton Rouge warehouse include: telephones, fax machines, copy machines, laptop and desktop computers, monitors, keyboards, and related kinds of computer peripheral accessories, desks, chairs, credenzas, file cabinets, student desks, student lockers, hospital beds, wheel chairs, food carts, stainless steel trays, medical diagnostic equipment, cots, food preparation and related kitchen equipment, saws, drill presses, welding equipment, carpentry power tools, mechanic tools, automotive testing equipment, trucks, cars, 4-wheelers, heavy equipment, material handling equipment, tractors and farm implements.

#### **LPAA Contact and Address Information:**

Mailing: P O Box 94095  
Baton Rouge, LA 70804-9095

Physical: 1059 Brickyard Lane  
Baton Rouge, LA 70802

Phone: (225) 342-6890 (Steve Bice)

FAX: (225) 219-7703

Email: [steve.bice@la.gov](mailto:steve.bice@la.gov)

Website: <http://www.doa.louisiana.gov/lpaa>

### **Louisiana Federal Property Assistance Agency (LFPAA)**

The **LFPAA** manages the distribution of federal surplus property to governmental agencies in Louisiana. Examples of surplus property that may be immediately available in the Baton Rouge warehouse include: cots, blankets, furniture, personal care kits, tents, beds, light units, fans, appliances, sleeping bags, lockers, cabinets, generators, heavy equipment, forklifts, pumps, lawn equipment, air shop equipment, hand tools, electric tools, compressors, trailers, construction equipment, wenchers, cable, vehicles, boats, motors, body bags, weapons and other law enforcement equipment and supplies, camo clothes, boots and shoes, firefighting equipment.

### **LFPAA Contact and Address Information:**

Mailing: P O Box 94095  
Baton Rouge, LA 70804-9095

Physical: 1635 Foss Drive  
Baton Rouge, LA 70802

Phone: (225) 342-7860 (John Medica)  
Email: john.medica@la.gov

FAX: (225) 342-7863  
Website: <http://www.doa.louisiana.gov/lfpaa/home.htm>

### **Emergency Printing Services Information**

The Office of State Printing and Forms Management provides a full line of printing and copying services, as well as the warehousing and the statewide distribution of printed products. Our full service facility provides printed products ranging from one color ink flat forms to process color booklets, pamphlets, informational brochures, variable imaged and addressed mail pieces and many other products. Our three quick service copy centers provide products in color or black and white, collated into booklet form and stapled or bound, as needed. Products can be produced and warehoused in our facility as needed and shipped to any destination or delivered locally in the Baton Rouge area.

### **Office of State Printing and Forms Management Contact and Address Information**

Mailing: P O Box 94095  
Baton Rouge, LA 70804-9095

Physical: 950 Brickyard Lane  
Baton Rouge, LA 70802

Phone: (225) 219-9570  
Email: sandy.smith@la.gov

FAX: (225) 219-9573/9598  
Website: <http://www.doa.louisiana.gov/ospfm/index.htm>

### **Office of Risk Management (ORM)**

#### **Claims**

To report a claim, please go to <http://www.doa.la.gov/orm/claims.htm> for assistance.

For contact persons (by unit) at ORM, please go to this website:  
<http://www.doa.louisiana.gov/orm/contactunit.htm>

#### **Force Majeure**

When bidding for rental equipment prior to an emergency, where state contracts do not already exist, consider adding a force majeure clause to your insurance requirements to protect your agency from having to pay for losses. The information below is what you should include:

*“Force Majeure”* shall mean any event or circumstance beyond the reasonable control of and without the fault or negligence of the Party claiming Force Majeure that would prohibit either

Party from carrying out its respective obligations under the Contracts, such as, but not limited to: war (declared or undeclared); sabotage; riot; insurrection; civil unrest or disturbance; military or guerilla action; acts of terrorism; economic sanction or embargo; civil strike not affecting any of the Parties; explosion; fire; earthquake; action of the elements; hurricanes; flood; lightning; wind; drought; peril of the sea; change of law or regulation or binding order of any Federal governmental authority; or other causes beyond the reasonable control of a Party except the inability to pay a sum of money when due.

**Indemnification and Limitation of Liability** language should also be included on your bids or quotes where Insurance is required. This language can be found under this link:

<http://www.doa.louisiana.gov/osp/emergyinfo/orm.pdf>

## **Emergency Contacts**

### **Division of Administration (DOA) Sections**

**Office of State Purchasing (OSP) and Travel** (225) 342-8062; Website:  
<http://www.doa.louisiana.gov/osp>

**Office of Contractual Review (OCR)** (225) 342-7097; Website:  
<http://www.doa.louisiana.gov/ocr/ocr.htm>

**Louisiana Property Assistance Agency (LPAA)** <http://www.doa.louisiana.gov/lpaa>

**Louisiana Federal Property Assistance Agency (LFPAA)** website:  
<http://www.doa.louisiana.gov/lfpaa/home.htm>

**Office of State Printing and Forms Management** (225) 219-9570; Fax:  
(225) 219-9573 or (225) 219-9598; Website:  
<http://www.doa.louisiana.gov/ospfm/index.htm>; email Sandy Smith at  
sandy.smith@la.gov; Physical Address: 950 Brickyard Lane, Baton Rouge,  
LA 70802; Mailing Address: P O Box 94095, Baton Rouge, LA 70804-9095

**Office of Facility Planning and Control (OFPC)** (225) 342-0820; Website:  
<http://www.doa.louisiana.gov/fpc/fpc.htm>

**Office of Risk Management (ORM) Claims:**  
<http://www.doa.la.gov/orm/claims.htm>

For contact persons (by unit) at ORM, please go to this website:  
<http://www.doa.louisiana.gov/orm/contactunit.htm>

**Office of Telecommunications Management (OTM)** (225) 342-7701; Email:  
<http://www.doa.louisiana.gov/otm/otm.htm>

**Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP)**  
<http://www.ohsep.louisiana.gov/>

**Louisiana Office of Homeland Security & Emergency Preparedness** (225) 925-7500; FAX  
(225)925-7501; Website: <http://www.loep.state.la.us>

**U.S. Department of Homeland Security** <http://www.dhs.gov/dhspublic/> ; Phone (Operator):  
(202) 282-8000; or Comment Line: (202) 282-8495

**Federal Emergency Management Agency (FEMA)** 1-800-621-FEMA (1-800-621-3362);  
Website: <http://www.fema.gov>

**Louisiana Legislative Auditor Disaster Guide**

<http://www.la.state.la.us/prepguide/disasterguide.htm>.

**Louisiana State Police Information** (225) 925-6006; their website for LSP Emergencies is:

<http://www.lsp.org/emergency.html>

**American Red Cross (Baton Rouge area)** (225) 291-4533; FAX (225) 292-4692. The National website is: <http://www.redcross.org>

**USDA Food & Nutrition Service Food Distribution Programs** Phone (Mike St. Romain, Director): (225) 922-1255; Fax: (225) 925-6012; email: [Mike\\_S@LDAF.state.la.us](mailto:Mike_S@LDAF.state.la.us); website: <http://www.fns.usda.gov/fdd/programs/fd-disasters/>

